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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,542	02/18/2000	Joseph K. Davidson	P950	8012
7590 05/24/2004				
Daniel L Dawes Myers Dawes & Andras LLP 5252 Kenilworth Drive Huntington Beach, CA 92649			EXAMINER GARCIA OTERO, EDUARDO	
			ART UNIT 2123	PAPER NUMBER

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/507,542

Applicant(s)

DAVIDSON ET AL.

Examiner

Eduardo Garcia-Otero

Art Unit

2123

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 4/26/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-12, 16-19, and 21-28.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See attachment.

Regarding 09/507,542

Applicant's Reply was received 4/26/04.

Applicant's Remarks page 17 state "Applicant wishes to thank the Examiner for pointing out patentable material in Claims 2-12, 16, 21-23, 25-28 which will be considered if rewritten in definite form".

Claims 2-12, 16, 21-23, 25-28 were not indicated as containing allowable subject matter.

Please note that the Final Action merely stated "the Examiner believes that this application contains substantial potentially allowable material. Specifically, the specification discusses certain complex interactions between tolerances which are not disclosed in the prior art of record" at paragraph 68 of the Final Action.

Said complex interactions refers to some of the complex interactions in the specification, for example see specification FIG 12a. Note that there is substantial prior art on propagation of simple tolerances on simple figures, for example the tolerance of a set of line segments being placed in series would have a maximum tolerance equal to the sum of the maximum tolerance of each line segment. Note the commercial tolerance analysis packages Mech. Advantage, and VSA-3D mentioned in Final Action paragraph 57 and 58.

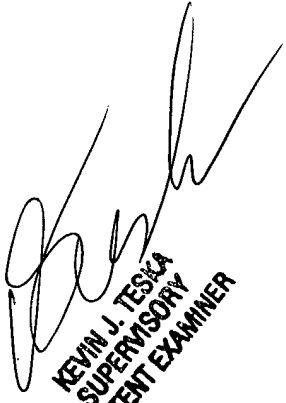
Applicant's potential allowable subject matter resides in the complex interactions between different types of tolerances, as illustrated by specification FIG 12a.

Further, Applicant's discussion at Remarks page 17 states that "tolerance map" refers to "both accumulation maps and functional maps". Said discussion does not adequately clarify the 35 USC 112 indefiniteness rejections of claims 1-12, 16-19, 21-23, and 25-28, per paragraphs 30-34 of the Final Action. Applicant has addressed paragraph 33 of the indefiniteness rejection, but has not addressed paragraph 32 of the indefiniteness rejection.

Further, said indefiniteness rejection must be interpreted in the context of paragraphs 21-28 of said Final Action.

Additionally, Claim 1 remains rejected under 35 USC 102(b), and claim 24 remains rejected under 35 USC 103(a), see paragraphs 36 to 66 of the Final Action.

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KEVIN J. TESLA  
SUPERVISORY  
PATENT EXAMINER